

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA)	CR. NO. 1:CR-01-018
)	
v.)	
)	(Judge Rambo)
GEOVANI DAVILA,)	
)	
Defendant.)	(ELECTRONICALLY FILED)

MOTION OF UNITED STATES FOR EXTENSION
OF TIME WITHIN WHICH TO FILE ITS BRIEF IN OPPOSITION TO
PETITIONER'S WRIT OF HABEAS CORPUS

COMES NOW, THOMAS A. MARINO, United States Attorney for the Middle District of Pennsylvania, and respectfully moves this Honorable Court for an extension of time within which to file its Brief in Opposition to the Petitioner's Habeas Corpus Motion and, in support thereof, represents the following facts:

1. On January 17, 2001, a Federal Grand Jury sitting in Harrisburg, Pennsylvania returned a One-Count Indictment against Davila, charging him with conspiracy to distribute and to possess with intent to distribute heroin which resulted in death.
2. On June 20, 2001, Davila appeared before the District Court and entered a plea of guilty to the Indictment.

3. On February 8, 2002, Davila was sentenced to 384 months imprisonment, 5 years supervised release, restitution in the amount of \$11,209.66 and a special assessment of \$100.00.

4. On July 18, 2005, Davila filed the present Motion to Vacate, Set Aside, or Correct Sentence by a Person in Federal Custody pursuant to 28 U.S.C. §2255. The Petitioner identifies nine (9) grounds for vacating his sentence, each of which require a review of the record and the law.

5. On August 16, 2005, the District Court directed the U.S. Attorney's Office to respond to the Motion. The United States' response is due on September 6, 2005.

6. Undersigned counsel has been heavily involved in a nationwide investigation into prostitution and corruption. This includes a series of court-authorized wiretaps. Undersigned counsel has been working to address the many issues generated by the wiretap. This weekend, for example, undersigned counsel drafted ten (10) lengthy indictments in the case.

7. The indictments having been drafted, undersigned counsel is able to turn his attention to the above-captioned case.

8. The failure to grant such a continuance in the proceeding would likely result in a miscarriage of justice. 18 U.S.C. §3161(h)(8)(B)(i).

9. The ends of justice are served by taking such action and outweigh the best interest of the public and the defendant in a speedy trial. 18 U.S.C. §3161(h)(8)(A).

WHEREFORE, the United States requests this Court to grant a two-week extension of the due date for the filing of its Brief in Opposition to the Petitioner's Habeas Corpus Motion.

Respectfully submitted,

THOMAS A. MARINO
United States Attorney

/s/ Gordon A.D. Zubrod
GORDON A.D. ZUBROD
ASSISTANT U.S. ATTORNEY
228 Walnut Street
Harrisburg, PA 17108
Phone: (717) 221-4482
Fax: (717) 221-2246
Gordon.Zubrod@usdoj.gov
PA20792

Dated: September 6, 2005

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that she is an employee in the Office of the United States Attorney for the Middle District of Pennsylvania and is a person of such age and discretion to be competent to serve papers.

That this 6th day of September, 2005, she served a copy of the attached

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via electronic filing and/or by placing said copy in a postpaid envelope addressed to the person(s) hereinafter named, at the place and address stated below, which is the last known address, and by depositing said envelope and contents in the United States Mail at Harrisburg, Pennsylvania.

Dennis E. Boyle, Esquire
1525 Cedar Cliff Drive
Camp Hill, PA 17011

/s/ Carol A. Manies
CAROL A. MANIES
Legal Assistant